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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/044,630	01/11/2002	Michael A. Keresman III	PRA 2 0011	8623

7590 03/08/2007

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EXAMINER	
SHERR, CRISTINA O	
ART UNIT	**PAPER NUMBER**
3621	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/08/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/044,630	KERESMAN ET AL.	
	Examiner	Art Unit	
	Cristina Owen Sherr	3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 December 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-25* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This communication is in response to applicant's amendment filed December 11, 2006. Claims 1, 10, and 15 have been amended. Claims 1-25 are currently pending in this case.

Response to Arguments

2. Applicant's arguments filed December 11, 2006 have been fully considered but they are not persuasive. Applicant argues, with respect to claims 1, 10 and 15, as amended, that nothing in the cited prior art discloses, teaches or suggests storing a plurality of numbers that are dispensed from and/or displayed by the token. Attention is directed to "A time-varying, event varying, use varying or the like value (hereinafter "time-varying value" or "one-time code") produced or stored at the token processor may also be utilized in generating the nonpredictable coded response." At col 3 ln 5-10. Thus the values utilized on the token may be either generated or merely stored at the device in Weiss. In other words, tokens or token values, codes, etc, are either generated or stored on the token dispensing device in Weiss., as in the instant application.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weiss (US 5,657,388).

5. Regarding claims 1, 10 and 15 –

Weiss discloses a token for conducting commercial transactions (e.g. abstract) comprising: a unique set of predetermined random numbers ((e.g. col 3 ln 12-27); software for selecting and dispensing an unused number from the set of random numbers (e.g. col 3 ln 29-35); a memory for storing the software and the set of random numbers, wherein the set of random numbers is identical to a set of numbers stored in an external authentication system (e.g. col 3 ln 29-55); a display device for displaying the dispensed random number (e.g. col 4 ln 27-43, fig. 1); and, a plurality of buttons wherein each button is assigned a unique account identifier number representing a type of account for conducting a commercial transaction, wherein each selection of a button causes the software to select and dispense a previously unused number from the set of random numbers and display the dispensed number and the unique account identifier in the display device (e.g. col 4 ln 60-65).

6. Weiss does not specifically discuss a power source. However, it is obvious that electric al or computer devices must derive power from somewhere, and thus the device in Weiss must somewhere have such a source.

7. Regarding claims 2-9, 11-14, and 16-20 –

Weiss discloses a token for conducting commercial transactions wherein the token becomes inoperable when the unique set of random numbers becomes exhausted; further including a communications port, wherein the token may be reprogrammed via

the communications port with a new set of random numbers by an external system when the unique set of random numbers becomes exhausted; further including 1 to N predetermined polynomial transformation equations, wherein the 1 to N predetermined polynomial transformation equations operate on each random number to provide 1 to N additional numbers for each of the predetermined random numbers; further including a magnetic transducer, wherein the software is configured to cause the magnetic transducer to generate magnetic pulses according to the selected button for emulating the conventional magnetic strip of a standard credit/debit card and, wherein the magnetic pulses represent one of the dispensed random number with the unique account identifier and predetermined credit/debit card identification numbers programmed for each of the buttons; further including a PIN number, wherein the software is configured to request a user to enter the predetermined PIN number each time the token is activated, and wherein the software is configured to not dispense a random number until the correct PIN number has been entered; according to claim 6, wherein the PIN number is entered by selecting the appropriate buttons, and wherein there are sufficient buttons to represent each digit of the PIN number; further including a keypad, wherein the PIN number is entered by selecting appropriate keys on the keypad; (e.g. col 4 ln 30-55,, col fig 2, col 5 ln 37-60).

8. As above, Weiss does not specifically discuss a power source. However, it is obvious that electric al or computer devices must derive power from somewhere, and thus the device in Weiss must somewhere have such a source. Solar cells, for example are old and well known and would be a user=-friendly of powering such a device.

9. Regarding claims 21-23 –

Weiss discloses a code dispensing device comprising: storage means for storing a set of codes; signaling means for signaling the dispensing device to dispense one of the codes from the set upon each activation of the signaling means; and, display means for displaying the dispensed codes (e.g. col 4 ln 60-65).

10. As above, Weiss does not specifically discuss a power source. However, it is obvious that electric al or computer devices must derive power from somewhere, and thus the device in Weiss must somewhere have such a source. Solar cells or photoelectric devices, for example, are old and well known and would be a user-friendly of powering such a device.

11. Regarding claim 24 –

Weiss discloses the code dispensing device according to claim 21, further comprising: indicator means for indicating to a user of the dispensing device an amount of undispensed codes remaining in the storage means (e.g. col 8 ln 10-25).

12. Regarding claim 25 –

Weiss discloses the code-dispensing device according to claim 21, wherein each code is only dispensed once (e.g. col 7 ln 1-25).

13. Examiner's note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may be applied as well. It is respectfully requested from the applicant, in preparing the

responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

15. Sandberg-Diment (US 5,826,245) discloses providing verification information for a transaction.

16. Shavit et al (US 4,799,156) disclose an interactive market management system.

17. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

18. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cristina Owen Sherr whose telephone number is 571-

272-6711. The examiner can normally be reached on 8:30-5:00 Monday through Friday.

20. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew J. Fischer can be reached on 571-272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

21. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Cristina Owen Sherr
Patent examiner, AU 3621

3/3/07

ANDREW J. FISCHER
SUPERVISORY PATENT EXAMINER
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